**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 10670 of 1998**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE R.S.GARG**

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

**STATE OF GUJARAT & 1 - Petitioner(s)**
**Versus**
**MANSI NATTHU & 7 - Respondent(s)**

==========

**Appearance :**

MR IM PANDYA ASSTT.GOVERNMENT PLEADER for Petitioner(s) : 1 - 2.
None for Respondent(s) : 1,
None for Respondent(s) : 2,
None for Respondent(s) : 3 - 7.
None for Respondent(s) : 8,

==========

**CORAM : HONOURABLE MR.JUSTICE R.S.GARG**

**Date : 03/08/2007**

**ORAL JUDGMENT**

Shri I.M. Pandya, learned AGP for the petitioners; none for the respondents.

2. By this petition under Article 227 of the Constitution of India, the petitioner-State seeks to challenge the correctness, validity and propriety of the award dated 23.6.98 passed by the learned Labour Court, Junagadh in Recovery Application No. 26/96.

3. The respondents had filed Recovery Application submitting, inter alia, that they were not being paid in accordance with the work done by them and therefore, each of them was required to be paid a sum of Rs. 22,000/-. The claim was made against the State Government. Reply was filed by the State Government before the learned Court below, however, pleadings were not substantiated by examining the witness nor did they controvert the affidavit filed by the workmen. However, some departmental officer had filed copy of the recommendation letter [exh.15] wherein one departmental officer had asked the other departmental officer to grant additional sanction and pay funds to clear of the dues of the workers. In view of the submission made in the recommendation letter, the learned Labour Court held that the respondents were not denying their liability but were simply requiring the Government to sanction the amount to discharge the liability. The Court below accordingly allowed the application and directed the State Government to make payment of Rs. 22,000/- to each of the claimant.

4. In case like present, where the petitioners, while filing reply did not raise any substantiate the pleadings by examining the witness nor did they controvert the allegations made in the affidavit filed by the workmen, and the officers of the Government were seeking sanction for additional amount to discharge liability, it cannot be said or argued that the Court below acted in illegal manner. Even otherwise present was a case of undisputed liability.
5. The petition deserves to and is accordingly dismissed. Rule is discharged. Interim relief, if any, is vacated. No costs.

[R.S. GARG, J.]

pirzada/-